

CASE PROCESSING STANDARDS ANALYSIS

SUMMARY CIVIL – JUSTICE COURT EVICTION CASES

National Center for State Courts Model Time Standards for Summary Civil Matters:

75% within 60 days
90% within 90 days
98% within 180 Days

Measurement: Filing of initial complaint through disposition (e.g., dismissal, judgment)

Arizona Justice Court Eviction Cases

The Arizona Case Processing Standards Steering Committee recommends that Arizona adopt a faster standard than the national standards:

98% within 10 days

- ✓ Residential rental of a dwelling unit, Chapter 10: A.R.S. §33-1304; Mobile Home, Chapter 11: A.R.S. §33-1402; Rental of RV in RV Park >180 days Chapter 19: A.R.S. §33-2101; and General Landlord Tenant Chapter 3: A.R.S. §33-381 are included.

Measurement: Filing of initial complaint through disposition (e.g., dismissal, judgment)
The following stay of proceedings will be excluded from the measurement: special action/appeals, bankruptcy and Servicemembers Civil Relief Act.

Arizona Rules and Statutes	Timelines under Statute and Rule
Petition Filed: Rule 5, RPEA ¹ Rule 18(a) and (c), RPEA	<p style="text-align: center;">(Measurement Starts Here)</p> Summons and Complaint for Eviction Actions. “Eviction” or “eviction action as used herein shall mean forcible detainer actions and special detainer actions as defined in this rule. Forcible detainer shall have the same meaning as set forth at A.R.S. §§ 12-1173 and 12-1173.01.
Service: A.R.S. ² § 12-1175(A) and (C) (Forcible Entry and Detainer) A.R.S § 33-1377(B) (Residential) and A.R.S § 33-1485(B) (Mobile Home Parks Residential) A.R.S § 33-1377(C), A.R.S § 33-1485(C)	<p>A summons for a complaint for forcible entry or forcible detainer filed in justice court shall issue no later than the next judicial day after filing. The summons shall be served at least 2 days before the return day, and return made thereof on the day assigned for trial.</p> <p>Summons shall be issued on the day the complaint is filed and shall command the person to appear at the time and place named, which shall not be more than 6 nor less than 3 days from the date of the summons. The summons shall be served at least 2 days before the return day and the return day made on the day assigned for trial.</p> <p>For good cause shown supported by an affidavit, the trial may be postponed for not more than 3 days in justice court.</p>

¹ Arizona Rules of Procedure for Eviction Actions

² Arizona Revised Statutes

Arizona Rules and Statutes	Timelines under Statute and Rule
A.R.S § 33-1377(E)	Material and irreparable breach: trial date and return date shall be set no later than the 3rd day following the filing of the complaint.
Answer and Continuances: Rule 7, RPEA Rule 11(b)(2), RPEA Rule 9(b), RPEA Rule 10(b), RPEA Rule 11(c), RPEA	<p>Answer: On or before the initial return date, the defendant shall answer, indicating whether the defendant admits or denies allegations of the complaint. The defendant's answer shall also state any defenses the defendant may want to assert.</p> <p>Defendant shall not be required to file an answer until the initial appearance. At the initial appearance, if the trial is not continued, the defendant may file an oral answer on the record.</p> <p>Responses and Replies: The filing of motions, responses and replies shall not delay the times set by statute for proceeding with an eviction action, except for continuances granted for good cause shown or by stipulation of the parties.</p> <p>Disclosure: Upon good cause shown, the court may order the taking of depositions, inspection of the premises, or the production of other pertinent documents in a manner that will not delay the times set by statute for proceeding with an eviction action, except for continuances granted for good cause shown or by stipulation of the parties.</p> <p>Continuances: Whenever possible the trial should be held on the initial return date. The court may order the continuance of a trial date by up to 3 court days in justice court for good cause shown or to accommodate the demands of the calendar. No additional continuances may be granted unless both parties agree.</p>
Trial: Rule 11(d), RPEA A.R.S § 12-1176(A) A.R.S § 12-1177(C) Rule 13, RPEA	<p>Jury Trial: Plaintiff can request jury trial in complaint or defendant can request at initial appearance. To proceed to a jury trial, there must be material issues of fact for the jury to decide or else the case will proceed to a trial by judge.</p> <p>The trial date shall be no more than 5 judicial days after the complaint was filed.</p> <p>For good cause, the trial may be postponed not to exceed 3 calendar days in justice court.</p> <p>Entry of Judgment and Relief Granted. (Measurement Stops Here)</p>
Post-Judgment: Rule 14(b)(1), RPEA	<p>Writ of Restitution: A party who obtains a judgment for possession in an eviction action shall have up to 45 days to apply for a writ of restitution.</p>